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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,162	10/28/2003	Warren Craig Huartson	3134/1	7168

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EXAMINER

KIM, CHRISTOPHER S

ART UNIT	PAPER NUMBER
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3752

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/695,162	Applicant(s) HUARTSON, WARREN CRAIG	
	Examiner Christopher S. Kim	Art Unit 3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The response filed November 6, 2006 is acknowledged.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Specification

3. The amendment filed November 6, 2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the replacement specification deletes details of the rigid frame chassis.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 20-29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 20 recites “the spray head being oriented to producing an evenly-dispersed forward projecting discharge of the liquid under pressure.” The disclosure, as originally filed, fails to disclose an “evenly-dispersed forward projecting discharge.” Claims 24 and 27 contain similar recitations.

6. Claims 25, 28, 29 and 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 25 recites “...according to claim 20, and further including...” It is uncertain whether the sprayer further includes a tee or applicant is attempting to claim a combination of a sprayer and tee.

Claim 28 recites the limitation “two valves” in line 3. There is insufficient antecedent basis for this limitation in the claim.

In claim 29, the recitation “a first valve...a second valve” appears to be a double inclusion of the “two valves” recited in claim 28.

Claim 39 depends on a canceled claim.

Claim Rejections - 35 USC § 102

7. Claims 20, 21, 23, 24, 27-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Baughman (6,719,065).

Baughman discloses a sprayer comprising:

a chassis 12;

- a plurality of wheels 14;
- a push handle 16;
- a container 22;
- a battery 35;
- a pump 30;
- a spray head 210;
- a spray wand 40, 88;
- two valves 82, 84.

Claim Rejections - 35 USC § 103

8. Claims 22, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baughman (6,719,065) in view of Kildow (6,070,808).

Regarding claim 22, Baughman differs from what is being claimed in the rear wheels have a larger diameter than the front wheels. Kildow teaches larger diameter rear wheels 12. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have provided larger diameter rear wheels in the device of Baughman as taught by Kildow for easier swiveling.

Regarding claims 25 and 26, Baughman differs from what is being claimed in the tee. Baughman teaches a Y connection to connect the spray wand and the spray head to the pump. Providing a Tee rather than a Y connection is mere change of shape of the connector. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have replaced the Y connection with a Tee to ease

hose routing, since it has been held that a mere change in shape involves only routine skill in the art. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

9. Claims 20, 21, 23, 24, 27, 30, 31, 33, 35, 36, 37, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fellhauer et al. (5,465,456).

Fellhauer discloses a sprayer comprising:

- a chassis 11;
- a plurality of wheels 13, 14;
- a push handle 17
- a container 20;
- a pump 22;
- a spray head 25;
- a spray wand (column 3, line 2);

Fellhauer does not specifically disclose a battery and the spray head of Fellhauer is oriented to produce a rearward projecting discharge.

Using battery powered electric motors to operate pumps are well known in the art. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have provided a battery to the device of Fellhauer for portable power.

Orienting the spray head to provide a forward projecting discharge is a mere rearrangement of parts. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have provided a forward spray to allow longer time period for the solution to soak into the carpet before brushing. *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950)

10. Claims 20-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kildow (6,070,808) in view Rudloff (3,690,559) and Baughman (6,719,065).

Kildow discloses a sprayer comprising:

- a chassis 46;
- a plurality of wheels 12, 14;
- a push handle 16;
- a container 22;
- a pump 24
- a spray wang 26;
- a back cover 74.

Kildow does not disclose a first spray means. Rudloff teaches a spray head 23, 25, 27. Baughman teaches to simultaneously mount a spray head and a spray wand. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have provided the spray head of Rudloff to the device of Kildow to wash pavement.

Additionally, Kildow discloses an electrical cord 18 for plugging into an outlet rather than a battery. Batteries are well known in the art. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have provided a battery in the device of Kildow to portability and use where no electrical outlets are available.

Response to Arguments

11. Applicant's arguments filed November 6, 2006 have been fully considered but they are not persuasive.

Applicant argues that Baughman does not disclose a push handle. Baughman discloses a push handle 16. The intended use of push handle does not distinguish the claimed invention from the device of Baughman.

Applicant argues that Baughman does not disclose a spray head on a front of the chassis. Baughman discloses a spray head 210 on the front of the chassis. It is mounted to the chassis at the Y connection.

Applicant argues that Baughman does not disclose a battery for supplying power to a pump. Baughman's battery 35 provides the starting power to the engine 32 which operates pump 30. Therefore, the battery provides power to the pump during startup.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

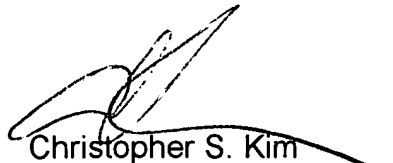
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. Kim whose telephone number is (571) 272-4905. The examiner can normally be reached on Monday - Thursday, 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher S. Kim
Primary Examiner
Art Unit 3752

CK